

REMARKS

Claims 1-14 are pending in the application with Claims 1, 3 and 9 as independent claims. In the Office Action, the Examiner objects to the drawing because the letters “O” and two “G’s” are missing in the title of the drawing. The disclosure is objected to because of some minor informalities. Claims 1, 2, 5 and 14 are objected to because of some minor informalities. The claims are rejected as follows. Claims 1-3, 9 and 13 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. Claim 2 is rejected for lack of antecedent basis. Claims 1-14 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non statutory subject matter. Claims 1-9, 12 and 14 are further rejected under 35 U.S.C. §102(b) as being anticipated by Halverson (U.S. Pub. No. 2002/0077843). Claims 10, 11 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Halverson in view of Snyder et al. (U.S. Pub. No. 2008/0057482).

Reconsideration of the application in view of the following remarks is respectfully requested.

The drawing is corrected as requested. A Replacement sheet is provided herewith. Withdrawal of the objection is respectfully requested.

The disclosure is amended to address the objection of the Examiner. Withdrawal of the objection is respectfully requested.

Regarding the objection to Claim 1, the Examiner asserts that in part a), “the community” should be changed to “a community.” The claim is amended to obviate the Examiner’s objection. Withdrawal of the objection is respectfully requested.

However, applicants respectfully disagree that “a target market” should be changed to “target markets.” The Examiner states that “a plurality of target markets are later referenced” for his rationale for the rejection. Applicants have amended the phrase “a target market” to “target market units.” This amendment finds support in the specification at Paragraph 0050. Withdrawal of the objection is respectfully requested.

Regarding the objection to Claim 2, applicants again disagree that “target market is” should be changed to “target markets are” as requested by the Examiner. Rather, applicants have amended the claim to read “each target market unit” as set forth in the Claims Amendments. Withdrawal of the objection is respectfully requested.

Regarding Claim 5, applicants disagree that “subject population” should be changed to “the institute’s population.” The phrase “subject population” is clear; it unequivocally refers to the population under consideration and applicants believe is therefore, a better choice. Withdrawal of the objection is respectfully requested.

Regarding Claim 14, applicants agree that “include one” should be changed to “includes one” and the claim is amended as set forth in the Claims Amendments. Withdrawal of the objection is respectfully requested.

Regarding the rejection of Claims 1-3, 9 and 13 under 35 U.S.C. §112, these claims to are amended to incorporate the Examiner’s suggestion. Withdrawal of the objection is respectfully requested.

Regarding the rejection of Claim 2 under 35 U.S.C. §112, the claim is amended as requested by the Examiner. Withdrawal of the objection is respectfully requested.

Regarding the rejection of Claims 1-14 under 35 U.S.C. §101 as directed to non-statutory subject matter, independent Claims 1, 3 and 9 are amended to recite “A computer system programmed with a set of instructions for assessing institutional needs.” This limitation should satisfy the Examiner’s rejection. Support for the limitation is found in the specification at paragraphs 0055 and 0072.

The Examiner next rejects Claims 1-9, 12 and 14 under 35 U.S.C. §102(b) as being anticipated by Halverson (U.S. Pub. No. 2002/0077843). Claims 10, 11 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Halverson as applied to Claim 9, in view of Snyder et al. Applicants respectfully disagree.

Halverson discloses an apparatus and method for mass producing a unique dining experience for each individual diner within a group of patrons. Each individual patron’s

preferences are surveyed, and the results of the surveys are stored within the database. Staff and management of an establishment are also surveyed regarding various personal and facilities capabilities and assets. Based upon the preference survey results, a dining event is developed that groups patrons according to areas of agreement among surveys, while simultaneously tailoring unique events or decor based upon the preference survey results that are not common among the patrons. (See Abstract).

Snyder et al. discloses a method for automatically producing a schedule of classes for an educational institution having a plurality of teachers, a plurality of students, and a curriculum. An input to a computer system includes student information comprising, for one or more of the plurality of students, an indication of his level of competence with respect to the educational material of one or more modules. The computer system preferably produces a schedule of classes for teaching the educational material of at least some of the modules responsive to the curriculum information and the student information. (See Abstract).

Applicant's invention relates to a method and computer system for assessing food service needs for an institution such as a university. The method comprises the steps of gathering information about the campus, segmenting the campus and day, evaluating the needs of each segment against existing services, comparing the needs and opportunities to available services, and reporting the results. The ARA system is for assisting with selection of menu items at various locations in a university or other multi-dining location setting, times and levels of service based on survey responses, whereas Halverson teaches unique dining events customized based on survey responses. ARA's invention differs from Halverson in its purpose, but the Examiner pointed out that the key feature of food services customized based on customer preferences learned from survey results is very close to Halverson.

The Examiner relied on Snyder et al. as teaching a feature ARA claims in certain dependent claims (10, 11 & 13) regarding factoring in geographical features such as location of buildings, roads and the like.

In reply to the Examiner's rejections under 35 U.S.C. §102(b), independent Claims 1, 3 and 9 should be further amended to recite: "correlating each opportunity to an available service wherein the scope and objective of each service is determined," which does not appear to be

either taught or reasonably suggested by Halverson. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Applicants believe that the Office Action did not make out a *prima facie* case of anticipation because Halverson does not teach each and every claim element.

For example, independent Claims 1, 3 and 9 as amended recite among others “correlating each opportunity to an available service wherein the scope and objective of each service is determined.” Halverson appears to suggest accommodating patrons’ desire if possible. (See paragraph 39). However, Halverson fails to teach determining the scope and objective of each service as claimed in this application. Therefore, Halverson arguably fails to teach or disclose each and every element of independent Claims 1, 3 and 9. Consequently, Halverson probably does not anticipate amended independent Claims 1, 3 and 9.

Claims 2, 4-8 and 10-14 depend directly or indirectly upon Claims 1, 3 and 9. These dependent claims are neither anticipated nor rendered unpatentable for the same reasons as discussed above with respect to Claims 1, 3 and 9.

Since Claims 2-15 depend from Claims 1, 3 and 9, Claims 2-15 should be held distinguishable from Halverson, Snyder or the combination thereof in the same manner as Claims 1, 3 and 9.

Accordingly, Applicants respectfully submit that these rejections are traversed, because the prior art reference fails to teach, disclose each and every element of the claims or fairly suggest all the claim limitations. In order for the Examiner to establish a *prima facie* case of obviousness, at least the prior art reference must teach or suggest all the claim limitations of the invention. Accordingly, withdrawal of the rejection is respectfully requested.

Accordingly, it is believed that all of the claims are in condition for allowance.

For these reasons, reconsideration and withdrawal of all grounds of rejection and objection are earnestly solicited.

Respectfully submitted,

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